

REMARKS

By this amendment, Applicants amend claims 1-3, 5-9, 11, 13, 15, 17, 18, 20-26, 28-30, and 32-38. Claims 1-13, 15, and 17-38 remain pending in this application.

In the Office Action,¹ the Examiner objected to the specification for informalities; objected to claim 8 for informalities; rejected claims 1-13, 15, and 17-38² on the ground of non-statutory double patenting; rejected claims 1, 3-13, 15, 18-28, and 30-38 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,548,750 to Larsson et al. ("*Larsson*") in view of U.S. Publication No. 2003/0004975 to Nakano et al. ("*Nakano*"); and rejected claims 2, 17, and 29 under 35 U.S.C. § 103(a) as being unpatentable over *Larsson* in view of *Nakano* and U.S. Patent No. 6,944,615 to Teng et al. ("*Teng*").

I. Objection to the Specification

The Examiner objected to the specification with a suggestion to replace "programm" with --program-- on page 4, line 24. By this Amendment, Applicants amend the specification as suggested by the Examiner. Accordingly, Applicants request the Examiner to withdraw the objection to the specification.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

² Although the Examiner rejected claims 1-38 on the ground of non-statutory double patenting, Applicants note that claims 14 and 16 were previously canceled by the Preliminary Amendment filed on March 7, 2005.

II. Objection to Claim 8

The Examiner objected to claim 8 for informalities. The Examiner suggests replacing "an ID" with --the ID-- to maintain proper antecedent basis. By this Amendment, Applicants amend claim 8 as suggested by the Examiner. Accordingly, Applicants request the Examiner to withdraw the objection to claim 8.

III. Rejection of Claims 1-13, 15, and 17-38 for Non-Statutory Double Patenting

Applicants respectfully traverse the rejection of claims 1-13, 15, and 17-38 on the ground of non-statutory double patenting over claims 1-33 of U.S. Patent No. 7,222,142. However, to advance prosecution, Applicants file concurrently herewith the attached Terminal Disclaimer. Accordingly, Applicants respectfully request the Examiner to withdraw the non-statutory double patenting rejection.

IV. Rejection of Claims 1, 3-13, 15, 18-28, and 30-38 under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 1, 3-13, 15, 18-28, and 30-38 under 35 U.S.C. § 103(a) as being unpatentable over *Larsson* in view of *Nakano*, because a *prima facie* case of obviousness has not been established.

To establish a *prima facie* case of obviousness, "it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed." USPTO Memorandum from Margaret A. Focarino, Deputy Commissioner for Patent Operations, May 3, 2007, page 2.

A *prima facie* case of obviousness has not been established because the prior art fails to render obvious each and every element of Applicant's claims.

Independent claim 1 recites a method comprising, among other things, "deleting the ID from the first lock object after the respective data object assigned to that ID has been deleted from the first storage location."

The Examiner acknowledges that "Larsson et al. do not explicitly teach deleting the ID from the first lock object." Office Action, p. 6. However, the Examiner alleges that "Nakano teaches . . . deleting the ID from the first lock object after the respective data object assigned to that ID has been deleted from the first storage location." *Id.* The Examiner's allegation is incorrect.

Nakano discloses a "database management method . . . , which, even during data rebalance execution of table data, can perform search, update, delete or insert concurrently with the rebalance execution." *Nakano*, para. [0009]. The Examiner contends that *Nakano*, para. [0104] teaches the above-quoted element of claim 1. See Office Action, p. 6. The cited portion of *Nakano* discloses "a notification indicative of the data insert completion" and a "request to delete the insert original data." *Nakano*, para. [0104]. However, a merely "notification . . . of . . . completion" or "delet[ion] [of] the insert . . . data" cannot render obvious "deleting the ID from the first lock object," as recited in claim 1. *Nakano* is completely silent with respect to any "ID" associated with a "data object" and is also silent with respect to any "lock object" that contains an "ID." Therefore, *Nakano* fails to disclose, suggest, or render obvious "deleting the ID from the first lock object after the respective data object assigned to that ID has been deleted from the first storage location," as recited in claim 1.

For at least the reasons stated above, the prior art, taken alone or in proper combination, fails to render obvious each and every element of claim 1. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 1.

Furthermore, independent claims 13, 15, and 28, although different in scope from claim 1, are allowable over the prior art for at least reasons similar to those stated above for claim 1. Dependent claims 3-12, 18-27, and 30-38 are allowable over the prior art at least by virtue of their dependence from allowable base claims 1, 15, and 28. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 1, 3-13, 15, 18-28, and 30-38 under 35 U.S.C. § 103(a).

V. Rejection of Claims 2, 17, and 29 under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claim 2, 17, and 29 under 35 U.S.C. § 103(a) as being unpatentable over *Larsson* in view of *Nakano* and *Teng*. A *prima facie* case of obviousness has not been established.

Claims 2, 17, and 29 depend from independent claims 1, 15, and 28, respectively, and thus require all the elements thereof. As discussed above, *Larsson* and *Nakano* fail to render obvious all the elements of claims 1, 15, and 28. Regardless of whether the Examiner's characterizations of *Teng* in the Office Action are correct, *Teng* fails to cure the above-noted deficiencies of *Larsson* and *Nakano*. Therefore, the prior art, taken alone or in proper combination, fails to establish a *prima facie* case of obviousness with respect to claims 2, 17, and 29 at least due to their dependence. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 2, 17, and 29 under 35 U.S.C. § 103(a).

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 23, 2007

By: Anthony Z. G. Reg. No. 53,232
for C. Gregory Gramenopoulos
Reg. No. 36,532

Attachment: Terminal Disclaimer